

REPEAL OF SECTION 434 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

• Mr. MOYNIHAN. Mr. President, on September 16, I introduced legislation to repeal section 434 of the recently enacted Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 434 provides that:

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service (INS) information regarding the immigration status, lawful or unlawful, of an alien in the United States.

This provision conflicts with an executive order, issued by the mayor of New York in 1985, prohibiting city employees from reporting suspected illegal aliens to the Immigration and Naturalization Service unless the alien has been charged with a crime. The executive order, which according to a report in the September 12, 1996, New York Times is similar to local laws in other States and cities, was intended to ensure that fear of deportation does not deter illegal aliens from seeking emergency medical attention, reporting crimes, and so forth.

On September 8, 1995, during Senate consideration of H.R. 4, the Work Opportunity Act of 1995, Senators SANTORUM and NICKLES offered this provision as an amendment. The amendment was adopted by a vote of 91 to 6. The Senators who voted "no" were: AKAKA, CAMPBELL, INOUE, MOSELEY-BRAUN, MOYNIHAN, and SIMON.

Four of these six—Senators AKAKA, MOSELEY-BRAUN, SIMON, and the Senator from New York—were also among the 11 Democrats who voted against H.R. 4 when it passed the Senate 11 days later on September 19, 1995. The provision remained in H.R. 3734, the welfare bill recently signed by President Clinton.

Last week, Mayor Rudolph W. Giuliani of New York announced that the city planned to challenge section 434 of the new welfare law in court.●

FISCAL YEAR 1997 TRANSPORTATION APPROPRIATIONS—HIGHWAY OBLIGATION AUTHORITY

• Mr. D'AMATO. Mr. President, the Senate completed action on the conference report for the Department of Transportation and related agencies appropriations bill yesterday, voting out the legislation 85 to 14. That bill, H.R. 3675, contained funding for the various transportation programs that this Nation undertakes—aviation, Coast Guard, highways, railroads, and transit. All in all, H.R. 3675 is a good bill for the United States and for the State of New York. However, Mr. President, as occurs in most pieces of legislation, it is not entirely perfect. In this respect, I must raise issue with a provi-

sion that was contained in the final version of this bill that will have serious adverse consequences on the State of New York.

When we considered this bill on the Senate floor in July, an amendment was debated and ultimately adopted that would require the Secretary of Transportation and the Secretary of the Treasury to investigate and report back to the Congress on the impact of and need to remedy an accounting error that was made in 1994 with respect to the crediting of receipts to the Highway Trust Fund. If uncorrected, this error had the potential to change the Federal highway obligation authority in a manner that would reconfigure highway funding for a number of States, allocating more dollars to States where the dollars were not supposed to go and away from States where the dollars were supposed to be allocated. The amendment that passed in the Senate corrected this error.

During the conference with the House of Representatives, this provision was not supported by a majority of conferees and was subsequently dropped. Even efforts to hold States harmless for the coming fiscal year because of this error were not agreed upon. Because of this, we are back where we started before the adoption of the amendment, with this accounting glitch in place and certain States in our Nation facing the denial of funding they deserve.

Unfortunately, New York is one of those States that will be denied its rightful amount of highway funding. The calculations that I have seen indicate that this uncorrected error will cost New York more than \$100 million in Federal highway dollars that it should rightfully receive. This is not a small amount of money by any stretch. It is roughly 11 percent of the total highway funding New York should receive in the coming fiscal year. However, because of this accounting error, and because efforts to correct this error were not agreed upon in conference, those who travel New York's roadways will bear the brunt of this 11-percent cut.

It would be an understatement to say that I am displeased that this simple error was not able to be corrected in order to prevent any adverse impact on highway users in New York. However, the members of the conference committee were not inclined to accept the Senate amendment. While I do not agree with the decision by the conferees it is by no means an issue that has been solved.

In 1997, the Congress will be facing a multitude of issues involving the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. Issues involving funding allocations for the individual States will most assuredly be heavily discussed in the course of negotiations over any reauthorization bill. Perhaps this par-

ticular issue may need to be revisited in the context of that reauthorization. In the meantime, it still demands the attention and the action of the administration. Therefore, I intend to work with my colleagues whose States are similarly impacted as New York in an effort to remedy this Treasury Department accounting error.●

NIH REVITALIZATION ACT OF 1996

• Mrs. KASSEBAUM. Mr. President, due to time constraints, the report for the National Institutes of Health Revitalization Act of 1996, S. 1897, was filed prior to the receipt of the cost estimate from the Congressional Budget Office. The following is a letter from the Congressional Budget Office scoring the National Institutes of Health Revitalization Act of 1996, S. 1897. I ask unanimous consent that this letter be printed in the RECORD.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 1996.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1897, the National Institutes of Health Revitalization Act of 1996, as reported by the Committee on Labor and Human Resources on September 9, 1996.

Enactment of S. 1897 could affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1897.
2. Bill title: National Institutes of Health Revitalization Act of 1996.
3. Bill status: As reported by the Committee on Labor and Human Resources on September 9, 1996.
4. Bill purpose: S. 1897 would extend expiring provisions, eliminate duplicated or unnecessary advisory boards and reports, codify certain existing programs, and create new programs within the National Institutes of Health (NIH).
5. Estimated cost to the Federal Government: Assuming appropriation of the necessary funds, CBO estimates that the federal government would spend \$31.6 billion over the fiscal years 1997-2002 period to implement the provisions of S. 1897.

Table 1 summarizes the estimated authorizations and outlays that would result from S. 1897. The table provides the total authorizations and outlays under two different sets of assumptions. The first set of assumptions adjusts the estimated amounts for projected inflation after 1996, while the second set makes no allowance for projected inflation.

The bill could not affect direct spending by establishing the National Fund for Health Research. But S. 1897 does not specify a revenue source for this new trust fund, and no direct spending could occur until it receives funding.